



PARK CITY COUNCIL MEETING MINUTES
SUMMIT COUNTY, UTAH
September 3, 2015

CLOSED SESSION

To discuss Property, Personnel and Litigation

STUDY SESSION

Historic Preservation Board Joint Meeting

There was discussion regarding the Historic Preservation Board's (HPB) process. It was inquired how many appeals there had been, to which it was noted there had been one.

Mayor Thomas explained that there was a process to go through in order to build or renovate. A building permit would need to be obtained from the Building Department, and the Planning Department would also be involved to help everything go smoothly. He wanted to discuss ways the Board could clarify everyone's roles even more, and indicated there were knowledgeable people on the Board who could help the Planning staff with issues regarding historic preservation.

It was discussed that last night, Planning reviewed demolitions and they would be bringing a lot of items to the HPB. Two historic buildings came before the Board to request things they wanted removed. Council Member Matsumoto stated she felt the community wasn't confident that everything was being done to preserve historic buildings, and noted that when guidelines were presented, one person's interpretation of those could be different than another's. She thought it was important that a request go back to design review.

Mayor Thomas indicated the Board wanted to enhance the role of HPB and make a better process with regard to historic preservation. It was questioned whether the HPB should be a commission or a board. Council Member Matsumoto stated she didn't know if those names had significant differences, but she wanted to see a design review after staff as opposed to appeals. She felt the community didn't have confidence in the current system.

Council Member Simpson stated that at one point, the Planning staff was directed to produce a report for HPB with every house in the historic district that was under

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construction. She indicated those reports would be helpful again. One HPB member indicated those monthly updates were wonderful, and asserted that at every meeting the Board also received additional information such as what funds and grants were available. Council Member Simpson felt the reports were bare bone, but at least it helped the Board members know what was going on at each property. She also favored seeing something like that again. Planning staff indicated they would be happy to do that again. Another HPB member thought the Board would have more of an opinion and more room for interpretation, but that seemed to be determined more by the Legal Department, with no room for interpretation.

Council Member Matsumoto asserted that if the code was such that historic buildings could have changes that didn't look good, the Board's responsibility was to change the code. It was indicated that the Board had a problem with demolitions, and it wanted more communication in order to be kept in the loop.

Bruce Erickson stated if there was potential to hurt a historical structure, it first needed to go in front of the HPB. Even though staff might feel that it wouldn't need to go through a design review, HPB should decide whether it was okay to do the "demolition". He thought the information about what was happening in the historic district would be best disseminated by HPB. Council Member Simpson suggested that the order of how they're doing things needed to be changed. Erickson explained that in 2009, people interpreted the code loosely, and staff made many of the decisions. The definition of "historic" broadened over time, and there was a weakness in the design criteria. Planning was trying to be much more careful with the Historic District now.

Council Member Simpson indicated that it was apparent the guidelines weren't working, and if they weren't fixed, an individual would be put in the position of voting for something even if they hated it, just because it met the guidelines. She requested to see pictures of structures that showed where the guidelines didn't meet the intent the guidelines were supposed to create. Erickson stated communication with the community should happen early and often, and noted the Planning Department needed help from HPB with that.

Discussion followed regarding amendments to the code. Mayor Thomas indicated the Board needed to take a closer look at how flat roofs would need to be addressed in the code, and also look at other sections that needed to be amended. It was inquired if there was a way to give the HPB an appeal board. It was indicated that it wouldn't be a decision but an opinion. If the HPB was not happy with "X" outcome, the members could learn how that guideline was misapplied. Mark Harrington, City Attorney, explained the review process, and stated it would be like going to the Board of Adjustment.

Council Member Matsumoto inquired about what would happen when a project needed to have changes, but it didn't get reapproved. She asserted that buildings were not

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meant to last 100 years, making it necessary to renovate, but there seemed to be a step missing where changes could be made that wouldn't follow the historic guidelines. Planning staff indicated that they had to go back to HPB for permission when they were going to make changes.

Mayor Thomas summarized the points from the Study Session. Council Member Beerman stated the Board needed to review the design guidelines. Planning staff indicated that they could do that.

WORK MEETING

Council Questions and Comments and Manager's Reports:

Council Member Simpson indicated that she attended a land wildfire meeting in Salt Lake City, and they were close to figuring out the formula for cities to contribute to the fund. She continued that she attended the Fire District meeting last week. She also noted that she and Council Member Peek attended the joint city Council meeting.

Council Member Henney stated that he attended the Utah Recycle Meeting, and noted that prices for recycled materials are extremely low. In addition, he attended Planning Commission Meeting, and they discussed affordable housing. He noted that they seemed to be agreeing on the need for affordable housing, but not getting the deliverable product soon enough. He noted his attendance at the joint City and School District meeting, and stated he didn't know the school was asking the community how they wanted to pay for improvements--with a bond or through a property tax increase--and he left with a completely different take on the project. He stated he was pleased with the way Diane Foster, City Manager, expressed staff's need to clarify the Council's priorities. He noted that staff elevated transportation and housing to critical priorities. He inquired if the Council was interested in raising the priority of carbon reduction and energy efficiency to a third critical priority. He also stated he was not asking for staff resources at this time. Foster indicated this request would be sent through the budget process. Council Member Beerman stated he didn't want to wait until budget time. He realized a mid-stream change was difficult; however, he was in favor of assigning more staff time toward this effort. Foster indicated staff could make this a priority.

Council Member Matsumoto indicated she met with HPB at their meeting, and thanked them for meeting with the Council today. She continued that she attended the School Board meeting and the County and City Council meeting. She noted that she and Council Member Henney agreed to work on projects with the Rec Board and the School Board. She noted that she met with the Historical Society today as the City liaison, and they reviewed that they put wraps on buses and trains in Salt Lake that advertised the museum and Park City. They also got the advertisement done with the restaurant tax. She indicated there was also talk about the California Comstock mine that was collapsing, and indicated the Historical Society spoke about acquiring funds in order to

work with Vail. She stated it was in a critical state right now, and asked if there were some City funds available for this purpose.

Council Member Beerman stated he attended the MARC solar ribbon cutting and went to the KPCW bash, which was well attended by the local residents. He indicated that Mountain Accord had a few discussions, and noted that he and Chris Robinson are still on that committee. Finally, he indicated that he had a presentation on Colorado Association of Ski Towns (CAST); however, he would wait to give that due to the number of individuals wanting to give public comment tonight.

Mayor Thomas indicated that he too attended the School District and solar meetings. He noted a lot of solar power was being created, and he was glad to be part of that.

MANAGER'S REPORTS

Public Utilities Department Water Pumping Surcharge Map Correction:

It was decided to discuss this item at a later date to be determined.

Park City Municipal Interior LED Lighting Retrofit Update:

Council Member Henney stated that he was pleased with the new LED lighting in the building. Council Member Beerman added he had undertaken this project at his hotel as well because he had seen a 30% energy reduction at his home from using LED lighting.

WORK SESSION

Update Regarding Temporary Sanitation Facilities During Sundance:

Kurt Simister, Building, addressed the Council regarding the temporary restroom facilities during Sundance. He indicated that staff's recommendation was that the City not provide temporary restroom facilities during Sundance since the event activities normally took place inside. He informed the Council there were nine event venues that signed the bathroom hardship forms.

Foster summarized the agenda item. She noted that there were nine properties which all signed the hardship form, and all would have the ability to rent property during Sundance. Staff's perception was that these properties should adhere to the building code. Discussion followed regarding occupancy and what specified occupancy of a building. Simister explained occupant load and code to the Council. Council Member Beerman inquired if the city consistently enforced the plumbing code. Simister responded affirmatively. Council Member Beerman stated these were all small local businesses, and he knew these individuals. They had high expenses, so this item concerned him.

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Council Member Matsumoto agreed with Council Member Beerman and inquired if there was something that precluded the nine businesses from coming together and renting their own restroom facilities. It was indicated they could; however, they couldn't station them on public property.

Mayor Thomas inquired if the Council agreed with staff's recommendation. Council Member Matsumoto stated that she agreed the city shouldn't pay for the facilities. Council Member Simpson stated it was a fairness issue, and indicated there were businesses that installed restrooms to meet the code. She thought if a business wanted to make money during Sundance, they needed to comply with the code. Council Member Henney agreed with Council Members Beerman and Matsumoto; however, he also agreed with Council Member Simpson and Peek regarding the code issue.

Lower Park Avenue Design Studio, Next Steps Discussion Continued:

Phyllis Robinson, Sustainability, addressed the Council, and reviewed the discussion from the August 20th Council meeting. Robinson explained the city-owned property in the RDA, which was outlined in red. She reviewed the process they had gone through thus far and stated they were coming back for Council direction in December.

Robinson noted the differences in this group's proposal and her meeting organization proposal. Discussion followed regarding the Library Field. Council Member Henney clarified that the Library Field should not be a discussion about giving the entire library field to developers. The field was owned by the city and therefore by the community, so whatever happened there would be up to the public. If some development occurred there, it would only be on part of the field. The questions he hoped to discuss was whether the community would be willing to develop any part of the Library Field for a community purpose, if there was a percentage they would be willing to give up, and if there was a trade-off on this item or not.

Council Member Simpson stated that she was proud of how respectful the Park City community was to people with differing opinions. Council Member Matsumoto stated that she was not in favor of having the senior center take up any portion of the Library Field. She discussed affordable housing, and indicated she would like a future Council to be able to have citizens to work with, and not just second homeowners in Park City. She would like there to be voters in town, and thought this group had some other good properties they could use for affordable housing. They shouldn't have to attempt building on the Library Field first, although she didn't want to take it off the board completely.

Council Member Beerman stated he thought Council Member Matsumoto did a good job explaining what the discussion was about. Council wanted to look at every scrap of property that would be a possibility. They had heard the public loudly and they were focusing the affordable housing project elsewhere. He indicated he was not interested in affordable housing on Library Field. As far as a senior center, maybe it could be

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reoriented to sit more on the perimeter. He wanted to have a senior center in place before too long, but noted he was willing to look at other locations for it.

Council Member Peek stated he agreed that it's important for the community to have full-time residents, but housing on the perimeter of the library field was not the Council's first priority. Council Member Simpson agreed with everything that had been said. She stated one thing they could look at with the property that stretched from Park Avenue to Woodside was that good design didn't have to mean one acre lots; it could mean shared space. She was interested in the promenade idea and enhancing the park if they kept it as green space.

Mayor Thomas stated the Woodside properties could work to their advantage if planned in a more careful way. He saw Library Field from the perspective of an interior open space, one that the neighborhoods enjoyed. He noted the pressure to develop something would get higher and higher, but the city placed a high value on open space in this community and he wanted to emphasize the importance of it. If planned properly, they could have both.

Council Member Matsumoto indicated it was important to establish the kind of housing the Council was looking for. She didn't want 300 square foot housing units, and didn't feel responsible for resort employee housing—the resorts should supply that. But it was evident that the city needed housing for young families that wanted to live here. She wanted options for middle income, professional people.

REGULAR MEETING

I. ROLL CALL

Mayor Jack Thomas called the regular meeting of the City Council to order at approximately 6:00 p.m. at the Marsac Municipal Building on September 3, 2015.

Council present: Mayor Jack Thomas, and Council Members Andy Beerman, Tim Henney, Cindy Matsumoto, Dick Peek, and Liza Simpson. **Staff members present :** Diane Foster, City Manager; Matt Dias, Assistant City Manager; Mark Harrington, City Attorney; Karen Anderson, Deputy City Recorder.

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

This item was not discussed.

III. PUBLIC COMMENT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

Library Park

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There were multiple residents who wished to express their concern regarding the development of Library Park. The consensus of the residents was to preserve the park and not develop it.

Abby McNaulty – Norfolk, had two kids and her niece and nephew also lived on Norfolk. She was concerned about old town becoming a ghost town. As the neighbors have children, the households grow out of their spaces in their homes, so they gather at the library field as their backyard with all of their kids. She indicated she was a proponent of affordable housing, but didn't feel like that was the spot. She would like the Library Field to be kept open forever.

Paula Heard – Thaynes Canyon, informed the Council that 12 days ago a P.A. system came into her neighborhood and amplified music, which was not allowed at the park, and noted that this occurred regularly. She said she was not dissatisfied with the park being there; however, there was an ordinance which was established to prevent this type of activity from happening at Rotary Park. She asked that the liaison from the Parks Department reacquaint the employees with this sound restriction.

Suzie Williams – Thaynes Street, stated residents on her street were having a problem with taxi cabs parking on her street, especially during Sundance, and sometimes there were three deep. She inquired if something could be done about the situation.

Ed Lewis indicated the library park was in his backyard. He asked the Council to drop the conversation of any proposed development on Library Field and start talking about preserving it in its entirety forever.

Jo Jones – Heber, stated she lived in Park City for many years and still works here. She indicated that many people who work in town meet up with friends at the park, take their children there, and many drive into town every day to hang out at places like library park.

Max McNaulty – Norfolk, stated he was ten years old and had lived in old town since he was two. He indicated that old town didn't have a lot of good places to play, and Library Field was one of the places he and his friends go sledding and roll down the hills. The town kids love library field. He requested that the Council not take it away.

David Bennett - UCARE, indicated he was at the meeting to represent UCARE. He would like to encourage the Council to adopt a resolution to require Rocky Mountain Power to utilize renewable energy. He felt that Rocky Mountain Power was doing a horrible job, and homeowners would have to fight to promote renewable energy.

Mark Clemens – UCARE, addressed the Council regarding a proposed resolution for renewable energy. He represented the Sierra Club, and indicated that Matt Abbott had an electronic copy of the Resolution.

Joe Glen owned a second home in old town and he hoped to retire in Park City. He thought that the Library Field was some of the only green space in old town, and once it was taken away, even two percent of it, you could never get it back. For people wanting to move to Park City or retire here, that field would be a large incentive for them to stay.

Ed Parisian was a representative of the Library Field Group. He stated the Council wanted a town full of citizens, and the citizens here tonight voiced that they did not want the field developed. He thought the city would want the whole field intact for future citizens to enjoy. He knew the Council was only considering building on a portion of the field, but he didn't want any building on the field because interior green space was limited. He suggested that the Council pass a conservation agreement for that area.

Andrea Aver stated she owned a second home in Park City, but lived in the valley, so her family was here often. They utilized all the amenities in old town. They owned a condo across from Library Field, and that was one of the reasons they wanted to live there. She requested that the Council take the proposed development of the field off the table permanently.

Barbara Grawe stated she was a resident of Park City, but not of old town. Her children lived in old town, in a home with limited space, so she goes to the soccer field and plays with her grandsons. It's a special place for kids, dogs and families.

Deb Statchell – Upper Woodside, stated she goes to the Library Field three to five nights a week to run her dog and spend time with friends. She would like to preserve the field forever.

Becca Gerber thought most people come to Park City as the workforce and then they stay and become year-round voting citizens. She indicated that millennials would be less likely to buy a home and drive a car. They were environmentally conscious and willing to live in smaller spaces. She recommended that the Council consider building something more dense and providing more rental space in Park City.

Further Discussion on Lower Park Avenue Design Studio, Next Steps Discussion Continued:

Further discussion continued regarding Lower Park Avenue Design Studio, and staff requested direction for Library Field.

Mayor Thomas indicated with regard to balance of property, the senior center should be considered. There were many unknowns such as what it is, how big it is or where it will be located. There are also questions regarding the east-west connection. In addition, he thought the Council needed to come up with some kind of program and function diagramming of how some of this works.

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It was indicated that the East-West Connection would be preserved as a right-of-way, and as of now it was just a high level concept. Council Member Matsumoto indicated she had a few questions, such as how wide it would be and what the possibilities are for it. She inquired how much room the City had on Park Avenue and Empire. It was indicated there was a minimum of 30 feet on Park Avenue and Empire had 87.5 feet.

Council Member Simpson stated on a high level, she did not want single family occupancy vehicles. Council Members Peek and Henney indicated they were in favor of the East-West Connection. Council Member Beerman stated he was supportive of leaving the East-West Connection. Foster stated that knowing the Council was in favor of preserving that was helpful to staff. Council Member Matsumoto expressed concerns regarding the East-West Connection because the transportation study was not back yet.

Mayor Thomas noted the East-West Connection was an important connectivity, however, he didn't know where the connection should go. He added that it was important to know where it was and who it was for. Council Member Simpson stated in all the conversations she had been a part of, it had been more of a neighborhood connection, not an extra connection for the resorts. The majority of the Council was in favor of the East-West Connection except for Council Member Matsumoto.

Discussion followed regarding the senior center. Foster inquired if the Council wanted to replace the senior center with a community center. Council Member Simpson indicated she didn't want to move the senior center out of the Lower Park Avenue. In addition, she was intrigued about moving it closer to the library. Council Member Matsumoto indicated that she felt more information was needed before she formed an opinion. Mayor Thomas requested that the facility be multi-functional, and also noted that the senior center needed a community room for 30-40 people. It was indicated that there was a bigger community room, and more at the library.

Council Member Beerman was in favor of the new senior center being built on the same site, and he was open to see if they would like to expand the recreational building, in addition to a full-size kitchen. He stated he was not interested in the Miner's Hospital. He also interjected the possibility of child care. Council Member Peek said he would like to see the library utilized, and noted that a kitchen was all it would need.

Council Member Henney indicated senior needs seemed to be at the top of the priority list. He felt the multipurpose center could be combined with the library. Council Member Matsumoto inquired if they could get a list of the other users and move them into the library. Foster indicated there were different options, and staff could bring them back to the Council in November, 2015, and look at the third floor of the library as a temporary space. Mayor Thomas stated he wanted to look at scale as well.

Discussion followed regarding Woodside and Park Avenue Housing. Foster stated they would come back in November, 2015, and present concepts. Council Member Beerman stated Woodside was more walkable, and he liked the pedestrian concept.

Foster stated Library Field was not being utilized for any development. Council Member Simpson noted he would like to utilize Library Field for connectivity. Council Member Beerman thought there was a lot of traffic that went through that field, and he was okay with that.

IV. CONSIDERATION OF MINUTES

Council Member Peek moved to approve the City Council Meeting minutes for July 16, 2015, and July 30, 2015. Council Member Simpson seconded the motion.

Voting Aye: Council Members Andy Beerman, Tim Henney, Cindy Matsumoto, Dick Peek, and Liza Simpson.

V. CONSENT AGENDA

Consideration of a Special Employment Contract and Appointment Subject to MCPC 2-4-6, Michelle Limon as City Recorder from September 7, 2015 through June 30, 2016:

Consideration of a Request to Accept a Donation, Memorial Bench, and Authorize use of City Property in Round Valley to Honor the Legacy of Keith McCauley:

Consideration of a Request to Accept a Donation, Memorial Bench, and Authorize Use of City Property in round Valley to Honor the Legacy of Lacey Compton:

Council Member Simpson moved to approve the Consent Agenda. Council Member Beerman seconded the motion.

Voting Aye: Council Members Andy Beerman, Tim Henney, Cindy Matsumoto, Dick Peek, and Liza Simpson.

VI. NEW BUSINESS

Consider Acquiring the 14.35 Acre Sommer Parcel, Located Immediately South of the Rail Train in the Prospector Area, for the Amount of \$500,000:

Heinrich Dieters addressed the Council regarding the acquisition of the 14.35 acres referred to as Sommer Parcel. He noted that during the meeting held on August 20, 2015, the Council approved the purchase of real estate. Originally, they were going to close on September 25, 2015; however, due to the seller's health, they requested to move the date up to tomorrow.

It was inquired if 50% of the parcel could be utilized for affordable housing. Mr. Dieters indicated the Council needed to decide on a number.

Council Member Peek moved to approve the acquisition of the 14.35 Acre Sommer Parcel, located immediately south of the Rail Train in the Prospector Area, for the amount of \$500,000. Council Member Beerman seconded the motion.

Voting Aye: Council Members Andy Beerman, Tim Henney, Cindy Matsumoto, Dick Peek, and Liza Simpson.

Consideration of an Ordinance Approving the Mountain Sprits Condominiums Record of Survey Plat Located at 533-537 Woodside Avenue Pursuant to Findings of Fact, Conclusions of Law and Conditions of Approval in a Form Approved by the City Attorney:

Kiersten Whetstone, Planning, addressed the Council regarding the proposed ordinance. It was inquired if this was the site of a remodeled condominium. It was noted it was, and the owners would be able to keep their same setbacks. Council Member Matsumoto expressed concern with this in Old Town. Whetstone indicated that she just recently approved some code requirements; however, this one didn't speak to that because it was determined to be a remodel.

Council Member Simpson asserted there wasn't any of the original building left. Whetstone stated the foundation and first floor were still there, and noted that it was so poorly constructed that the owners had to remodel it wall by wall.

Public Hearing

No comments were heard

Council Member Matsumoto moved to authorize Mayor Thomas to sign an ordinance approving the Mountain Sprits Condominiums Record of Survey Plat, located at 533-537 Woodside Avenue pursuant to Findings of Fact, Conclusions of Law and Conditions of Approval in a form approved by the City Attorney. Council Member Peek seconded the motion.

Voting Aye: Council Members Andy Beerman, Tim Henney, Cindy Matsumoto, Dick Peek, and Liza Simpson.

Authorize the City Manager to Execute Amendment No. 3 to the Water Conveyance – 2013 Pipelines Projects Segment B Construction Agreement, in a Form Approved by the City Attorney, with Cop Construction, LLC., for an Amount not to Exceed \$247,099.78:

Roger McClain, Water Department Manager, informed the Council that the pipeline was installed to the last phase, and the change order was in compliance with the primary

screen and sediment in Empire tank before they discharged into the creek. He state the screening would remain in place until they got treatment.

Council Member Simpson moved to Authorize the City manager to execute Amendment No. 3 to the Water Conveyance – 2013 Pipelines Projects Segment B Construction Agreement, in a form approved by the City Attorney, with Cop Construction, LLC., for an amount not to exceed \$247,099.78. Council Member Peek seconded the motion.

Voting Aye: Council Members Andy Beerman, Tim Henney, Cindy Matsumoto, Dick Peek, and Liza Simpson.

Authorize the City Manager to Execute the Third Addendum to the Well Source Alternatives Assessment Professional Services Agreement, in a Form Approved by the City Attorney, with CH2M Hill Engineers, Inc. for Park Meadows Well Filtration Designs Services in an Amount not to Exceed \$348,666:

Roger McClain, Water Department Manager, addressed the Council regarding the Third Addendum to the Well Source Alternatives Assessment Professional Services Agreement. He noted that they had been working on meeting those treatment requirements, and the design contract moved them into meeting the requirements. They planned to have concept submittal by January, 2016, and another submittal by December, 2016. Then they would be assessing what the building would look like.

Council Member Beerman moved to authorize the City Manager to execute the Third Addendum to the Well Source Alternatives Assessment Professional Services Agreement, in a form approved by the City Attorney, with CH2M Hill Engineers, Inc. for Park Meadows Well Filtration Designs Services, in an amount not to exceed \$348,666. Council Member Henney seconded the motion.

Voting Aye: Council Members Andy Beerman, Tim Henney, Cindy Matsumoto, Dick Peek, and Liza Simpson.

VII. ADJOURNMENT

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder